

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

UNITED STATES OF AMERICA

v.

KOLON INDUSTRIES, INC.,

Including and through its successors

“Kolon Industries, Inc.” and “Kolon
Corporation”

JONG-HYUN CHOI,

IN-SIK HAN,

JU-WAN KIM,

KYEONG-HWAN RHO,

YOUNG-SOO SEO,

Defendants.

Case No. 3:12-cr-137

**MOTION FOR LEAVE TO ENTER
A LIMITED AND SPECIAL APPEARANCE AND TO RESPOND TO THE
GOVERNMENT’S PURPORTED SERVICE OF THE SUMMONS ON
KOLON CORPORATION AND/OR CHIEF EXECUTIVE OFFICER CHANG-HO KIM**

Jeff G. Randall (admitted *pro hac vice*)

PAUL HASTINGS LLP

875 15th Street, N.W.

Washington, D.C. 20005

Telephone: (202) 551-1700

Facsimile: (202) 551-1705

jeffrandall@paulhastings.com

Stephen C. Neal (admitted *pro hac vice*)

COOLEY LLP

Five Palo Alto Square

3000 El Camino Real

Palo Alto, CA 94306

Telephone: (650) 843-5000

Facsimile: (650) 857-0663

nealsc@cooley.com

Rhodes B. Ritenour (VA Bar No. 71406)

LECLAIRRYAN

Riverfront Plaza, East Tower

951 East Byrd Street, Eighth Floor

Richmond, VA 23219

Telephone: (804) 916-7106

Facsimile: (804) 916-7206

rhodes.ritenour@leclairryan.com

*Attorneys for Specially-Appearing Defendant
Kolon Corporation*

PLEASE TAKE NOTICE that counsel for Specially-Appearing Defendant Kolon Corporation (individually, “Kolon Corporation,” and together with its affiliated entities, “Kolon”) hereby seeks leave to appear specially to brief issues related to the United States of America’s (the “Government”) renewed efforts to serve the summons on Kolon Corporation and/or its Chief Executive Officer, Chang-ho Kim, including the recently filed Notice of Additional Service as to Kolon Corporation.¹ See D.I. 98 and 98-1. This Motion is made on the grounds set forth in the accompanying Memorandum and Kolon Corporation respectfully requests that this Court grants its Motion for Leave and enter the following briefing schedule in connection with the same:

- January 17, 2014, for the filing of Kolon Corporation’s substantive motion papers;
- January 28, 2014, for the filing of the Government’s response brief; and
- January 31, 2014, for the filing of Kolon Corporation’s reply brief in support of its motion.

¹ In its previous Motion for Leave, Kolon Industries, Inc. sought leave to specially appear to contest service on behalf of “any Kolon entity that the Government contends is both a party and was properly served with process in the above-captioned case . . . the Superseding Indictment is fatally ambiguous as to the named defendant(s); however, to the extent any particular Kolon entity is found to be a proper defendant, this Motion extends to each such entity.” D.I. 61 at 1, n. 1. Thus, although the Court’s subsequent Order (D.I. 65) granting this request may extend to further briefing to contest service as to Kolon Corporation, out of an abundance of caution, the instant Motion seeks to clarify that the right to specially appear applies to counsel appearing to brief the new service issues concerning Kolon Corporation.

Respectfully submitted this 10th day of January, 2014.

By: /s/ Rhodes B. Ritenour

Rhodes B. Ritenour (VA Bar No. 71406)

LECLAIRRYAN

Riverfront Plaza, East Tower

951 East Byrd Street, Eighth Floor

Richmond, Virginia 23219

Telephone: (804) 916-7106

Facsimile: (804) 916-7206

rhodes.ritenour@leclairryan.com

Jeff G. Randall (admitted *pro hac vice*)

PAUL HASTINGS LLP

875 15th Street, N.W.

Washington, D.C. 20005

Telephone: (202) 551-1700

Facsimile: (202) 551-1705

jeffrandall@paulhastings.com

Stephen C. Neal (admitted *pro hac vice*)

COOLEY LLP

Five Palo Alto Square

3000 El Camino Real

Palo Alto, CA 94306

Telephone: (650) 843-5000

Facsimile: (650) 857-0663

nealsc@cooley.com

***Attorneys for Specially-Appearing Defendant
Kolon Corporation***

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of January, 2014, I electronically filed the foregoing document, entitled "MOTION FOR LEAVE TO ENTER A LIMITED AND SPECIAL APPEARANCE AND TO RESPOND TO THE GOVERNMENT'S PURPORTED SERVICE OF THE SUMMONS ON KOLON CORPORATION AND/OR CHIEF EXECUTIVE OFFICER CHANG-HO KIM," with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to counsel named below:

Michael S. Dry, Esq.
Assistant United States Attorney
UNITED STATES ATTORNEY'S OFFICE
600 E. Main Street, Suite 1800
Richmond, VA 23219
Telephone: (804) 819-5400
Facsimile: (804) 771-2316
michael.s.dry@usdoj.gov

Kosta Stojilkovic, Esq.
Assistant United States Attorney
UNITED STATES ATTORNEY'S OFFICE
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3700
Facsimile: (703) 299-2584
kosta.stojilkovic@usdoj.com

John W. Borchert, Esq.
Trial Attorney, Fraud Section
CRIMINAL DIVISION, DEPARTMENT OF JUSTICE
1400 New York Avenue, N.W.
Washington, DC 20530
Telephone: (202) 514-0890
Facsimile: (202) 616-3511
john.borchert@usdoj.gov

Rudolfo Orjales, Esq.
Senior Counsel, Computer Crime & Intellectual Property Section
CRIMINAL DIVISION, DEPARTMENT OF JUSTICE
1301 New York Avenue, N.W.
Washington, DC 20530
Telephone: (202) 514-1026
Facsimile: (202) 514-6113
rudolfo.orjales@usdoj.gov

Attorneys for the United States of America

By: /s/ Rhodes B. Ritenour

Rhodes B. Ritenour (Virginia Bar No. 71406)

LECLAIRRYAN

Riverfront Plaza, East Tower

951 East Byrd Street, Eighth Floor

Richmond, VA 23219

Telephone: (804) 916-7106

Facsimile: (804) 916-7206

rhodes.ritenour@leclairryan.com

*Attorney for Specially-Appearing Defendant
Kolon Corporation*